

Customer No.: 31561
Application No.: 10/710,663
Docket No.: 12262-US-PA

REMARKS

This is a full and timely response to the outstanding final Office Action mailed on May 3, 2007. Reconsideration and allowance of the application are respectfully requested.

Present Status of the Application

The Office Action has again rejected all pending claims 1-7 under 35 U.S.C. 103(a) as being unpatentable over Yao et al. (U.S. Pat. No. 6,450,132; hereinafter "Yao") in view of T. D. Coe (U.S. Pat. No. 3,387,653; hereinafter "Coe").

In response thereto, Applicants have amended claims 1 and 2 and have newly added claim 17 to more clearly define the present invention. After entry of the foregoing amendments, claims 1-7 and 17 remain pending in the present invention. Support for the aforesaid revised claims is able to be found throughout the specification/drawings, and no new matter has been introduced by virtue of the above amendments. After entry of the foregoing amendments, reconsideration of those claims is respectfully requested.

Claim Rejections under 35 U.S.C. 103

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao in view of T. D. Coe.

In response to the rejections thereto, Applicants have amended independent claim 1, and hereby otherwise traverse these rejections for at least the following reasons, wherein the currently amended claim 1 is fully supported by the disclosure, i.e., paragraph [0043],

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and the corresponding drawings, such as Figs. 5.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be **some suggestion or motivation**, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a **reasonable expectation of success**. Finally, the prior art reference (or references when combined) **must teach or suggest all the claim limitations**. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. See MPEP § 2143.

Applicants respectfully submit that the Office has failed to establish the *prima facie* obviousness in rejecting independent claim 1 of the present invention because Yao and Coe, taken alone or combined, fail to teach or suggest a heat transfer device with an evaporator comprising "a first hollow tube; a porous core mortised inside said first hollow tube; a second hollow tube, wherein a part of said first hollow tube is mortised and secured inside said second hollow tube, and the other part of said first hollow tube is exposed outside said second hollow tube; a connecting pipe connected to said evaporator, said connecting pipe being used for containing a working fluid; and a condenser on said connecting pipe" as substantially recited in Applicants' amended claim 1.

In rejecting Applicants' claim 1, the Examiner has construed a first wick 2 of Yao as reading on the first hollow tube of the present invention, and an evaporator container 4 as reading on the second hollow tube. However, it is clearly shown in FIGs. 1A, 5A and 7A of Yao that the first wick 2 is totally disposed inside the evaporator container 4. The

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porous member appearing to be an inner tube is completely encircled by the evaporator container 4 which looks like an outer tube. By contrast, with reference to FIG. 5 of the present invention, a part of the first hollow tube 212 is mortised and secured inside the second hollow tube 216, and the other part of the first hollow tube 212 is exposed outside the second hollow tube 216. The disposition of the two hollow tubes and the arrangement thereof provided by the Applicants' invention are fairly different from Yao. As such, Yao neither teaches nor suggests all the limitations recited in Applicants' amended claim 1, and thus claim 1 should be allowed.

In conclusion, the Office has provided unsupported conjecture for establishing *prima facie* obviousness in rejecting independent claim 1 of the present application. Applicants contend that the prior art cited by the Examiner, neither alone nor in combination explicitly teaches or implicitly suggests every element of claim 1. Applicants therefore respectfully request the withdrawal of the rejections under 35 U.S.C. 103(a) of claim 1, claims 2-7 and claim 17, depending therefrom.

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CONCLUSION

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For at least the foregoing reasons, it is believed that the pending claims 1-7 and 17 are in proper condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Date : *August 3, 2007*

Respectfully submitted,

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